

## THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Postal code: 100738 Suite 1602, Tower E2, The Towers, Oriental Plaza, No.1, East Chang An Ave., Dongcheng District, Beijing 100738, P. R. China BEIJING EAST IP LTD. Chunlei LIU, Qihua LI	Date of Issue:  December 2, 2005
Application No. 200310118233.3	

Applicant: Seiko Epson Corporation
Title of the Invention: LIQUID CARTRIDGE

## THE FIRST OFFICE ACTION

1. ☒ In accordance with the Request for substantive examination of the applicant, the examiner has made the examination on the above cited patent application based on the provision in paragraph 1, Article 35 of the PRC Patent Law.  
☐ The Patent Office itself has decided to make a substantive examination for the above cited patent application based on the provision in paragraph 2, Article 35 of the PRC Patent Law.
2. ☒ The applicant requested to designate the filing date of

December 10, 2002	in the Patent Office of	JP	as the priority date;
December 10, 2002	in the Patent Office of	JP	as the priority date;
December 25, 2002	in the Patent Office of	JP	as the priority date;
July 31, 2003	in the Patent Office of	JP	as the priority date;

☒ with the submission of certified copy of Priority Documents.  
☐ no certified copy of priority document has been received heretofore and, according to the provisions of Article 30 of the PRC Patent Law, it is deemed that no priority right has been requested.
3. ☐ The applicant submitted the claims after examination, the reason being that the above cited claims  
☐ is not in conformity with the provisions of Article 33 of the PRC Patent Law;  
☐ is not in conformity with the provisions of Rule 51 of the Implementing Regulations of the PRC Patent Law.
4. ☒ Examination is made based on the original filing document.  
☐ Examination is made based on the following documentations  
the original filing documents submitted on the filing date: Claims \_\_\_\_\_, pages  
of the description, Pages \_\_\_\_ of the accompanying drawings,  
the documents submitted on \_\_\_\_ Claims \_\_\_\_\_, page(s) \_\_\_\_\_ of the  
description, Page(s) \_\_\_\_ Figure(s) \_\_\_\_ of the accompanying drawings,  
the abstract of description submitted on \_\_\_\_;  
the drawing of abstract submitted on \_\_\_\_.
5. ☐ The notification is made without conducting the search for the patentability.

- ☒ The notification is made under the search for the patentability.
- ☒ The following reference materials have been cited in this notification (their serial numbers will be referred to in the following procedure):

Serial Number	Number or Title of Reference Material	Publication Date (or Filing Date of A Conflict Patent Application)
1	CN 1365893A	2002-8-28

6. The conclusion of the examination:

- ☐ In regard to the description:
- ☐ The subject matter of the present application is not accepted based on the Article 5 of the PRC Patent Law.
- ☐ The description is not in conformity with the provision of paragraph 3, Article 26 of PRC Patent Law.
- ☐ The description does not conform to the provisions of rule 24 of the Implementing Regulations of the Patent Law.
- ☐ The description is not in conformity with the provision of Rule 18 of the Implementing Regulations of the PRC Patent Law.
- ☐ The presentation of the description is not in conformity with the provision of Rule 19 of the Implementing Regulations of the PRC Patent Law.
- ☒ In regard to the Claims:
- ☐ Claims \_\_ can not be allowed beyond the scope of the protection based on the Article 25 of the PRC Patent Law.
- ☐ Claims \_\_\_ do not belong to the definition of invention based on the provision of paragraph 1, Rule 2 of the Implementing Regulations of the PRC Patent Law.
- ☒ Claims 1,2,4 can not be allowed owing to lack of novelty based on the provision of paragraph 2, Article 22 of PRC Patent Law.
- ☐ Claims\_\_ can not be allowed owing to lack of inventiveness based on the provision of paragraph 3, Article 22 of PRC Patent Law.
- ☐ Claims \_\_ can not be allowed based on the provision of paragraph 4, Article 26 of PRC Patent Law.
- ☒ Claims 12,13 can not be allowed based on the provision of paragraph 1, Article 31 of PRC Patent Law.
- ☐ Claims \_\_ can not be allowed owing to lack of inventiveness based on the provision of paragraph 4, Article 22 of PRC Patent Law.
- ☒ Claims 14,19 can not be allowed based on the provision of Rules 22 of the Implementing Regulations of the PRC Patent Law.
- ☐ Claims \_\_ can not be allowed based on the provision of Article 9 of PRC Patent Law.
- ☐ Claims\_\_ can not be allowed based on the provision of Rules 23 of the Implementing Regulations of the PRC Patent Law.
- ☐ Claims\_\_ can not be allowed owing to lack of novelty based on the provision of paragraph 1, Article 13 of PRC Patent Law.

The analysis of above conclusion is given in the text of this office action.

The explanation of the conclusion is given in the attachment sheet in details

7. According to the above conclusion, it is considered that

- ☒ the applicant should amend the application documents based on the request in the Attachment Sheet.
- ☐ the applicant should state the reason on which the application can be accepted and amend the part that is indicated not to be in conformity with the requirement, otherwise the application will be rejected.
- ☐ No subject matter in the application is accepted, said application will be rejected if the applicant does not make a statement or fail to make a statement.
- ☐

8. The applicant is drawn attention to that

- ( 1 ) in accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit the observations within four months from the date of receiving this notification. If the applicant, without any justified reason, fails to reply within the time limit, the application shall be deemed to have been withdrawn.
- ( 2 ) the applicant shall make amendments to what is not in conformity with the provisions in the text of this notification. The amended text shall be furnished in duplicate. The formality of the document should be in conformity with the relative provisions of the Guidebook for Examination.
- ( 3 ) the applicant and/or his attorney could not go to the PRC Patent Office to meet the examiner if no appointment is made.
- ( 4 ) any response and/or amended specification must be mailed or sent by hand to the Receiving Department of the PRC Patent Office. Any documents that are not sent to the Receiving Department do not have legal force.

9. The text of the notification embraces 2 pages, along with the enclosures herein:

- ☒ 1 copy of the cited references are enclosed in pages of 18 .

Department of Mechanism & Invention  
Date of decision: 2005.11.15

Examiner: Gairong KONG(2672)

**State Intellectual Property Office of the People's Republic of China**

**TEXT OF THE FIRST OFFICE ACTION**

Application No. 200310118233.3

As described in the specification, the present application relates to a liquid cartridge. After examination, examination opinions are set forth as follows.

**I. Claims**

1. The technical solution claimed by Claim 1 does not possess novelty as stipulated by Paragraph 2, Article 22 of the *Patent Law of China* ("the *Patent Law*"). Reference 1 (CN1365893A<sup>1</sup>, "Ref.1") discloses an ink cartridge, and specifically discloses the following technical features: "a liquid cartridge for supplying a liquid to a liquid ejecting apparatus through a liquid supplying needle thereof when mounted on said liquid ejecting apparatus, comprises: a liquid accommodating section (reference numerals 171, 176, 177 and 183); a liquid supplying part (reference numeral 164), which communicates with said liquid accommodating section, said liquid supplying part including an opening into which the liquid supplying needle of the liquid ejecting apparatus is inserted; and an atmospheric valve (reference numeral 225) for sealing a communicating hole which allows said liquid accommodating section to communicate with atmosphere, said atmospheric valve moving substantially in a direction parallel to a direction in which the liquid supplying needle is inserted into said opening of said liquid supplying part" (see the third embodiment of the description and Figs. 22-28 of Ref.1).

The technical solution claimed by Claim 1 differs with the one disclosed by Ref.1 only slightly in the expression ways. They are substantially the same, belong to the same technical field, and have the same technical effects. Therefore, the technical solution claimed by Claim 1 does not possess novelty.

2. The additional technical features of the characterizing portion of the dependent Claim 2 are also disclosed by Ref.1 (see the third embodiment of the description and Figs. 22-28 of Ref.1). Therefore, as Claim 1 referred to by Claim 2 is unacceptable for possessing no novelty, the technical solution claimed by Claim 2 also fails to possess novelty as stipulated by Paragraph 2, Article 22 of the *Patent Law*.

3. The additional technical features of the characterizing portion of the dependent Claim 4 are also disclosed by Ref.1 (see the third embodiment of the description and Figs. 22-28, 32A, 32B of Ref.1). Therefore, as Claim 1 referred to by Claim 2 is unacceptable for possessing no novelty, the technical solution claimed by Claim 2 also fails to possess novelty as stipulated by Paragraph 2, Article 22 of the *Patent Law*.

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<sup>1</sup> This reference is an Epson application, which claims priority of JP 321207/00, 320319/00, 33074/01, 33075/01, 147418/01, 148296/01, 148297/01, 149315/01, 149787/01, 220340/01, 316455/01.

## State Intellectual Property Office of the People's Republic of China

4. The reason why the independent Claim 1 is unacceptable has been described above. When Claim 1 is rejected, the independent Claims 12 and 13 do not belong to a single general inventive concept even other features disclosed in the description are considered. They are not technically inter-related, and do not have the same or corresponding special technical features, and as such they do not have unity and do not conform to the stipulation of Paragraph 1, Article 31 of the *Patent Law*. The applicant should choose to remain one of the other independent claims at the same time of abandoning the independent Claim 1. With respect to the inventions not claimed in the present application, the applicant may file divisional applications before the present application is closed.

### II. Other defects

Both of Claim 14 and Claim 19 refer to the independent Claim 1. However, these two dependent claims are not arranged behind the independent claim belonging to the same invention, and as such do not conform to the stipulation of Paragraph 3, Rule 22 of the *Implementing Regulations of the Patent Law of China*. The applicant should adjust the order of the claims.

The applicant should respond to the problems set forth in this Office Action one by one within the responding time limit specified in this Office Action, and amend the specification if necessary, otherwise the present application is hard to be granted a patent. The amendments to the application must conform to the stipulation of Article 33 of the *Patent Law*, that is, may not go beyond the scope of the disclosure contained in the initial description and claims.

The amendment documents submitted by the applicant should include: (1) a copy of the part of initial disclosure concerned with the amendments, on which the additions, deletions and replacements are indicated in red pens or ball pens; and (2) reprinted replacement sheets for the specification, for replacing the corresponding original copies. The applicant must ensure the consistency of the above two parts.



## 中华人民共和国国家知识产权局

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邮政编码: 100738 北京市东城区东长安街1号东方广场东方经贸城东2座1602室 北京东方亿思知识产权代理有限公司 柳春雷, 李其华		发文日期
申请号: 2003101182333		
申请人: 精工爱普生株式会社		
发明创造名称: 液体盒		



## 第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第35条第1款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第35条第2款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以在:
 

JP	专利局的申请日	2002年12月10日	为优先权日,
JP	专利局的申请日	2002年12月10日	为优先权日,
JP	专利局的申请日	2002年12月25日	为优先权日,
JP	专利局的申请日	2003年07月31日	为优先权日,
	专利局的申请日	年 月 日	为优先权日。

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。  
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第30条的规定视为未提出优先权要求。
- ☐ 经审查, 申请人于:
 

年 月 日提交的	不符合实施细则第51条的规定;
年 月 日提交的	不符合专利法第33条的规定;
年 月 日提交的	
- 审查针对的申请文件:
 

<input checked="" type="checkbox"/> 原始申请文件。	<input type="checkbox"/> 审查是针对下述申请文件的
申请日提交的原始申请文件的权利要求第	项、说明书第 页、附图第 页;
年 月 日提交的权利要求第	项、说明书第 页、附图第 页;
年 月 日提交的权利要求第	项、说明书第 页、附图第 页;
年 月 日提交的权利要求第	项、说明书第 页、附图第 页;
年 月 日提交的说明书摘要,	年 月 日提交的摘要附图。
- ☐ 本通知书是在未进行检索的情况下作出的。  
☒ 本通知书是在进行了检索的情况下作出的。  
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):
 

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	CN1365893A	2002.08.28
- 审查的结论性意见:
 

<input type="checkbox"/> 关于说明书:
<input type="checkbox"/> 申请的内容属于专利法第5条规定的不授予专利权的范围。
<input type="checkbox"/> 说明书不符合专利法第26条第3款的规定。



申请号 2003101182333

- ☐ 说明书不符合专利法第 33 条的规定。  
☐ 说明书的撰写不符合实施细则第 18 条的规定。  
☐  
☒ 关于权利要求书：  
☒ 权利要求 1, 2, 4 不具备专利法第 22 条第 2 款规定的新颖性。  
☐ 权利要求 不具备专利法第 22 条第 3 款规定的创造性。  
☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。  
☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。  
☐ 权利要求 不符合专利法第 26 条第 4 款的规定。  
☒ 权利要求 12, 13 不符合专利法第 31 条第 1 款的规定。  
☐ 权利要求 不符合专利法第 33 条的规定。  
☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。  
☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。  
☐ 权利要求 不符合专利法实施细则第 20 条的规定。  
☐ 权利要求 不符合专利法实施细则第 21 条的规定。  
☒ 权利要求 14, 19 不符合专利法实施细则第 22 条的规定。  
☐ 权利要求 不符合专利法实施细则第 23 条的规定。  
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。  
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。  
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。  
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。  
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。  
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。  
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 1 份 18 页。 ☐

审查员: 孔改荣 (2672)  
2005 年 11 月 15 日

审查部门 机械发明审查部

21301  
2002.8回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)



## 第一次审查意见通知书正文

申请号：200310118233.3

如说明书所述，本申请涉及一种液体盒。经审查，现提出如下审查意见。

(一) 权利要求书

1、权利要求 1 所要求保护的技术方案不具备专利法第 22 条第 2 款规定的新颖性。对比文件 1 公开了一种墨盒，并具体公开了以下技术特征“一种用于安装在液体喷射装置上时通过所述液体喷射装置的液体供应针来向所述液体喷射装置供应液体的墨盒，其包括液体容纳区（附图标记 171、176、177、183），液体供应部分（附图标记 164），其与所述液体容纳区连通，所述液体供应部分包括所述液体喷射装置的液体供应针插入其中的开口，大气阀（附图标记 225），其密封容许所述液体容纳区与大气连通的通孔，且所述阀沿着与所述液体的供应针插入所述液体供应部分的所述开口的方向平行的方向移动”（参见该对比文件的说明书第三实施例以及附图 22-28）。该权利要求所要求保护的技术方案与该对比文件所公开的内容相比，所不同的仅仅是文字表达方式上略有差别，其技术方案实质上是相同的，且两者属于相同的技术领域，并能产生相同的技术效果，因此该权利要求所要求保护的技术方案不具备新颖性。

2、从属权利要求 2 限定部分的附加技术特征同样已被对比文件 1 公开（参见该对比文件的说明书第三实施例以及附图 22-28），因此当其引用的权利要求 1 由于不具备新颖性而不能被接受时，该权利要求所要求保护的技术方案也不具备专利法第 22 条第 2 款所规定的新颖性。

3、从属权利要求 4 限定部分的附加技术特征同样已被对比文件 1 公开（参见该对比文件的说明书第三实施例以及附图 22-28，32A，32B），因此当其引用的权利要求 1 由于不具备新颖性而不能被接受时，该权利要求所要求保护的技术方案也不具备专利法第 22 条第 2





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款所规定的新颖性。

4、上面已经论述了独立权利要求 1 不能被接受的理由。当权利要求 1 不能成立时，独立权利要求 12 和 13 即使考虑了说明书中所描述的其他内容，也不再属于一个总的发明构思，它们在技术无相互关联，没有相同或者相应的特定技术特征，不具备单一性，因此不符合专利法第 31 条第 1 款的规定。申请人在放弃独立权利要求 1 的同时，应选择保留其它独立权利要求中的一个。针对本申请中不再要求保护的发明，申请人可以在本申请结案之前另行提交分案申请。

## （二）、其他缺陷

权利要求 14 和权利要求 19 都引用独立权利要求 1，但是本申请没有将该从属权利要求写在引用的属于同一项发明的独立权利要求之后，因此不符合实施细则第 22 条第 3 款的规定。申请人应当对权利要求的排列顺序进行调整。

申请人应当在本通知书指定的答复期限内对本通知书提出的问题逐一进行答复，必要时应修改专利申请文件，否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第 33 条的规定，不得超出原说明书和权利要求书记载的范围。

申请人提交的修改文件应当包括：第一，修改涉及部分的原文复印件，采用红色钢笔或红色圆珠笔在该复印件上标注出所作的增加、删除或替换；第二，重新打印的替换页（一式两份），用于替换相应的原文。申请人应当确保上述两部分在内容上的一致性。

